

MERCHANT & GOULD P.C.
United States Patent Application
DECLARATION UNDER 37 C.F.R. § 1.63

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: COLLAPSIBLE REFORMER EXERCISE APPARATUS.

The specification of which

- a. ☒ is attached hereto
b. ☐ was filed on as application serial no. and was amended on (if applicable) (in the case of a PCT-filed application) described and claimed in international no. filed and as amended on (if any), which I have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

- a. ☒ no such applications have been filed.
b. ☐ such applications have been filed as follows:

FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)
ALL FOREIGN APPLICATION(S), IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT International application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.
For Continuation-In-Part (CIP) Applications, complete

U.S. APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)
09/266,286	March 11, 1999	abandoned
09/275,755	March 25, 1999	patented (6,186,929)
09/521,555	March 9, 2000	pending
09/833,204	April 12, 2001	pending

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

U.S. PROVISIONAL APPLICATION NUMBER	DATE OF FILING (Day, Month, Year)

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (reprinted below).

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim;
- or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

(e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

Please direct all correspondence in this case to Merchant & Gould P.C. at the address indicated below:

Merchant & Gould P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903



I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2	Full Name Of Inventor	Family Name Edelman	First Given Name Ken	Second Given Name
0	Residence & Citizenship	City Sacramento	State or Foreign Country CA	Country of Citizenship US
1	Mailing Address	Address 7500 1 st Avenue, #23	City Sacramento	State & Zip Code/Country CA 95820-3539/US
Signature of Inventor 201:			Date: 12-18-01	
2	Full Name Of Inventor	Family Name Janowski	First Given Name Brian	Second Given Name
0	Residence & Citizenship	City Marquette	State or Foreign Country MI	Country of Citizenship US
2	Mailing Address	Address 971 Highland Drive	City Marquette	State & Zip Code/Country MI 49855-8903/US
Signature of Inventor 202:			Date:	

If you need blocks for additional inventors, place a hard page return here and merge in F:FORMS\PA.T.067

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements y jeopardize the validity of the application or any patent issued thereon.

2	Full Name Of Inventor	Family Name Endelman	First Given Name Ken	Second Given Name
0	Residence & Citizenship	City Sacramento	State or Foreign Country CA	Country of Citizenship US
1	Mailing Address	Address 7500 14th Avenue, #23	City Sacramento	State & Zip Code/Country CA 95820-3539/US
Signature of Inventor 201:			Date:	
2	Full Name Of Inventor	Family Name Janowski	First Given Name Brian	Second Given Name
0	Residence & Citizenship	City Marquette	State or Foreign Country MI	Country of Citizenship US
2	Mailing Address	Address 971 Highland Drive	City Marquette	State & Zip Code/Country MI 49855-8903/US
Signature of Inventor 202: <i>Brian Janowski</i>			Date: <i>12-24-01</i>	

S/N Unknown

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Endelman, et al.	Examiner:	
Serial No.:	Unknown	Group Art Unit:	Unknown
Filed:	Herewith	Docket No.:	40070.6USI4
Title:	COLLAPSIBLE REFORMER EXERCISE APPARATUS		

POWER OF ATTORNEY

The undersigned hereby appoints:

Albrecht, John W.	Reg. No. 40,481	Hamre, Curtis B.	Reg. No. 29,165
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Epp Ryan, Sandra	Reg. No. 39,667	McDonald, Daniel W.	Reg. No. 32,044
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 Skoog, Mark T.
 Spellman, Steven J.
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 Stoll-DeBell, Kirstin L.
 Sullivan, Timothy
 Sumner, John P.
 Swenson, Erik G.
 Tellekson, David K.

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 Reg. No. 37,703
 Reg. No. 25,767
 Reg. No. 43,080
 Reg. No. 39,828
 Reg. No. 31,197
 Reg. No. 30,422
 Reg. No. 42,137
 Reg. No. 33,280
 Reg. No. 40,178
 Reg. No. 45,124
 Reg. No. 47,974
 Reg. No. 43,164
 Reg. No. 47,981
 Reg. No. 29,114
 Reg. No. 45,147
 Reg. No. 32,314

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 Williams, Douglas J.
 Withers, James D.
 Witt, Jonelle
 Wong, Thomas S.
 Wu, Tong
 Young, Thomas
 Zeuli, Anthony R.

Reg. No. 38,344
 Reg. No. 42,189
 Reg. No. 27,403
 Reg. No. 32,179
 Reg. No. 33,044
 Reg. No. 48,640
 Reg. No. 20,890
 Reg. No. 43,261
 Reg. No. 42,222
 Reg. No. P-48,229
 Reg. No. 27,054
 Reg. No. 40,376
 Reg. No. 41,980
 Reg. No. 48,577
 Reg. No. 43,361
 Reg. No. 25,796
 Reg. No. 45,255

as attorneys and/or patent agents with the full power to represent the applicant in connection with this application.

CERTIFICATE UNDER 37 C.F.R. § 3.73(b)

Balanced Body, Inc., a corporation organized and existing under the laws of the State of California, having a place of business at 7500 14th Avenue, #23, Sacramento, CA 95820-3539, certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of either:

- A. ☒ An assignment from the inventor(s), of the patent application identified above. The assignment was recorded in the Patent and Trademark Office on _____, at Reel _____, Frame(s) _____, or for which a copy is attached.
- B. ☐ A chain of title from the inventor(s) of the patent application identified above to the current assignee as shown below:
1. From: To:
The document was recorded in the Patent and Trademark Office at Reel _____, Frame(s) _____, or for which a copy thereof is attached.
 2. From: To:
The document was recorded in the Patent and Trademark Office at Reel _____, Frame(s) _____, or for which a copy thereof is attached.
 3. From: To:
The document was recorded in the Patent and Trademark Office at Reel _____, Frame(s) _____, or for which a copy thereof is attached.

☐
☐

Additional documents in the chain of title are listed on a supplemental sheet.

Copies of assignments or other documents in the chain of title are attached.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Please direct all correspondence to John R. Wahl, MERCHANT & GOULD P.C., P.O. Box 2903, Minneapolis, MN 55402-0903, telephone (303) 357.1644.

Date:

12-18-01

By:



Ken Endelman, President



ASSIGNMENT

WHEREAS, we, Ken Endelman, residing at 7500 14th Avenue, #23, Sacramento, CA 95820-3539 and Brian Janowski, residing at 971 Highland Drive, Marquette, MI 49853-8903, made certain new and useful inventions and improvements for which we are filing an application for Letters Patent of the United States herewith, which is entitled **COLLAPSIBLE REFORMER EXERCISE APPARATUS**.

AND WHEREAS, Balanced Body, Inc., a corporation organized and existing under and by virtue of the laws of the State of California, and having an office and place of business at 7500 14th Avenue, #23, Sacramento, CA 95820-3539 (hereinafter "Assignee") is desirous of acquiring the entire right, title and interest in and to said inventions, improvements and application and in and to the Letters Patent to be obtained therefor;

NOW THEREFORE, to all whom it may concern, be it known that for and in consideration of the sum of One Dollar and other good and valuable considerations, the receipt and sufficiency whereof is hereby acknowledged, we have sold, assigned, and transferred, and by these presents do sell, assign and transfer unto said Assignee, its successors or assigns, the entire right, title and interest for all countries in and to all inventions and improvements disclosed in the aforesaid application, and in and to the application, all divisions, continuations, or renewals thereof, all Letters Patent which may be granted therefrom, and all reissues or extensions of such patents, and in and to any and all applications which have been or shall be filed in any foreign countries for Letters Patent on the inventions and improvements, including an assignment of all rights under the provisions of the International Convention, and all Letters Patent of foreign countries which may be granted therefrom; and we do hereby authorize and request the Commissioner of Patents and Trademarks to issue any and all United States Letters Patent for the aforesaid inventions and improvements to the Assignee as the assignee of the entire right, title and interest in and to the same, for the use of the Assignee, its successors and assigns.

AND, for the consideration aforesaid, we do hereby agree that we and our executors and legal representatives will make, execute and deliver any and all other instruments in writing including any and all further application papers, affidavits, assignments and other documents, and will communicate to said Assignee, its successors and representatives all facts known to us relating to said improvements and the history thereof and will testify in all legal proceedings and generally do all things which may be necessary or desirable more effectually to secure to and vest in said Assignee, its successors or assigns the

entire right, title and interest in and to the improvements, inventions, applications, Letters Patent, rights, titles, benefits, privileges and advantages hereby sold, assigned and conveyed, or intended so to be.

AND, furthermore we covenant and agree with said Assignee, its successors and assigns, that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been made to others by us and that full right to convey the same as herein expressed is possessed by us.

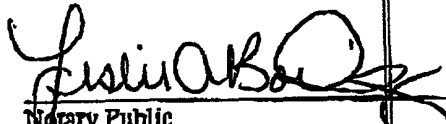
IN TESTIMONY WHEREOF, I have hereunto set my hand this 18 day of DEC, 2001.

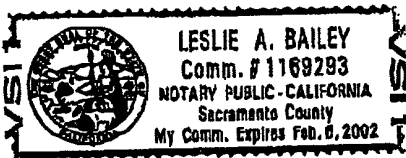

Ken Endelman

STATE OF California)
COUNTY OF Sacramento) ss.

On this 18 day of Dec., 2001, before me personally appeared Ken Endelman to me known and known to me to be the person described in and who executed the foregoing instrument, and he duly acknowledged to me that he executed the same for the uses and purposes therein set forth.

[SEAL]


Notary Public



IN TESTIMONY WHEREOF, I have hereunto set my hand this 24th day of December, 2001.

Brian Janowski
Brian Janowski

STATE OF Michigan)
COUNTY OF Marquette) ss.

On this 24th day of December, 2001, before me personally appeared Brian Janowski to me known and known to me to be the person described in and who executed the foregoing instrument, and he duly acknowledged to me that he executed the same for the uses and purposes therein set forth.

KELLY HERRIMAN
Notary Public, Marquette County, Michigan.
My Commission Expires May 1, 2002.

[SEAL]

Kelly Herriman
Notary Public